

REMARKS

Summary of Amendments

1. Claims 1 through 14 were originally presented in this application. Claims 1 through 14 were amended and claims 15 and 16 were previously added by preliminary amendment. Claim 1 was amended in a previous response to more particularly point out and distinctly claim the subject matter of the instant invention.
2. Claim 11 has been amended in this paper, as described in more detail below, to address the Examiner's § 112 rejection. New claims 17-19 have been added. No claims have been canceled. Claims 1 through 19 remain pending.
3. Applicants' undersigned representative wishes to thank the Examiner for the telephonic interview conducted September 6, 2006. An interview summary pursuant to 37 C.F.R. § 1.133(b) accompanies this paper.

Claim Rejections - 35 U.S.C. § 103

4. Claims 11₁ and 14₁ stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, there was insufficient antecedent basis for the term "said DLC layer(s)" in the claims.
5. Claim 11 has been amended to address this issue. In particular, claim 11 has been amended to depend only from claim 6, which recites DLC layers. Claim 14 depends from claim 11, and therefore now ultimately depends only from independent claim 6. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.
6. Moreover, new claims 17-19 have been added. New claims 17-19 are fully supported by original claims 11, 13, and 14, such that no new matter has been added and no new search is required. New claim 17 has been written to depend only from claim 1. New claims 18 and 19 depend from new claim 17 (and therefore ultimately from claim 1). New claims 17 and 19 have been written such that the claims have proper antecedent basis in claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 1-5, 10₁, 11₁, 13₁, and 14₁: Yamasaki et al. '544 in view of Cronk et al. '636 and other cited references

7. Independent claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yamasaki et al.* (U.S. Pat. No. 4,693,544) and in further view of *Cronk et al.* (U.S. Pat. No. 6,795,636). In particular, the Examiner states that *Cronk et al.* teaches a diffraction grating included in a DLC film.
8. Applicants respectfully traverse this rejection. According to MPEP § 2143, in order to make a *prima facie* case of obviousness in a § 103 rejection, the burden of proof is on the Examiner to show that a combination of cited references teaches each of the elements in the rejected claim. However, the combination of *Yamasaki et al.* and *Cronk et al.* clearly do not teach all of the elements of rejected claim 1. In particular, neither reference teaches, nor even suggests, a diffractive grating included in the DLC material. The Examiner asserts that this element is taught by *Cronk et al.* Contrary to the Examiner's assertion, *Cronk et al.* teach a film that is "write through". In other words the diffraction grating is not in the DLC film, but rather in the surface of the optical fiber underneath the film. The film is referred to as "write-through" because the diffraction grating is imparted to the optical fiber through the transparent DLC film (see Figure 1 and column 5, line 63 through column 6, line 7). The DLC film only serves to preserve the strength of the optical fibers during the "write-through" process (column 14, lines 20-23). Applicants therefore request that the Examiner withdraw her rejection of independent claim 1.
9. Applicants respectfully submit that independent claim 1, as amended, is allowable over the prior art of record. Therefore, Applicants request reconsideration and allowance of claim 1. Independent claim 1 being allowable, it follows that dependent claims 2, 3, 4, 5, 10₁, 17, 18, and 19 must also be allowable, since these dependent claims carry with them all of the elements of independent claim 1, to which they ultimately refer.

Allowable Subject Matter

10. Applicant gratefully acknowledges that pending claims 6-9, 10₆, 11₆, 12, 13₆, 14₆, 15, and 16 were allowed in the June 26, 2006 Office Action.

App. No. 10/506,492
Amendment dated September 25, 2006
Reply to Office action of June 26, 2006

Applicants believe that this application is now in full condition for allowance, which action Applicants earnestly solicit.

Respectfully submitted,

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/James Judge/

James W. Judge
Registration No. 42,701

JUDGE & MURAKAMI IP ASSOCIATES
Dojima Building, 7th Floor
6-8 Nishitemma 2-Chome, Kita-ku
Osaka-shi 530-0047
JAPAN

Telephone: **305-938-7119**
Voicemail/Fax: **703-997-4565**